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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,314	07/10/2003	Gerret Martin Peters	FMC 1534 PUSP / 202-0391	3580
28395	7590	01/27/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			BARAN, MARY C	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,314

Applicant(s)

PETERS ET AL.

Examiner

Mary Kate B Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☒ Claim(s) 7, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 11 is objected to because of the following informalities: claim 11 page 29 line 2 "a an sound" should be – a sound –. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busch et al. (U.S. Patent No. 6,052,631) (hereinafter Busch) in view of Lawrence et al. (U.S. Patent No. 6,505,106) (hereinafter Lawrence).

Referring to claims 1 and 14, Busch teaches a computer to facilitate reporting results of a defect inspection of an object having multiple body portions (see Busch, Figure 5), the computer programmed to: provide a graphical user interface to graphically display the multiple body portions of the object (see Busch, Figure 5); receive a defect input from an inspector (see Busch, Figure 1) indicating a defect in one or more of the body portions (see Busch, Figure 6); and generate defect data representing which body portion has the defect (see Busch, Figure 11), but does not teach that the computer is portable.

Lawrence teaches a portable computer (see Lawrence, column 4 lines 6-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch to include the teachings of Lawrence; because, using a portable computer would have allowed the skilled artisan to gather and process data regardless of the location (see Lawrence, column 4 lines 15-19).

Referring to claims 2 and 15, Busch teaches that the graphical user interface is programmed to display multiple body portions comprising a vehicle body (see Busch, Figure 8).

Referring to claims 3 and 16, Busch teaches that the graphical user interface is programmed to provide a menu corresponding to a number of vehicle bodies for use by the inspector to select the vehicle body (see Busch, Figure 3), wherein the multiple body portions comprising the selected vehicle body are displayed (see Busch, Figure 4).

Referring to claim 4, Busch teaches that the graphical user interface is further programmed to divide each body portions into a number of smaller body portions, wherein the defect signal indicates the body portion and the smaller body portion of the defect (see Busch, column 8 lines 20-49).

Referring to claims 5 and 17, Busch teaches that the graphical user interface is programmed to provide a menu comprising a number of defect descriptions for use by

the inspector to select a defect description for the defect, and wherein the defect signal further represents the defect description (see Busch, column 8 lines 20-49).

Referring to claim 8, Busch teaches storing multiple defect signals for transfer to a computer (see Busch, Figure 1).

Referring to claim 12, Busch teaches all the features of the claimed invention except that the computer is a hand-held personal digital assistant.

Lawrence teaches that the computer is a hand-held personal digital assistant (see Lawrence, column 4 lines 6-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch to include the teachings of Lawrence; because, using a portable computer would have allowed the skilled artisan to gather and process data regardless of the location (see Lawrence, column 4 lines 15-19).

Referring to claim 13, Busch teaches that the computer is programmed to receive the defect input for a visually perceptible defect (see Busch, column 5 lines 5-12).

Referring to claim 18, Busch teaches a system to facilitate reporting results of a defect inspection of an object having multiple body portions (see Busch, Figure 5), the system comprising: a computer to provide a graphical user interface to graphically display the multiple body portions (see Busch, Figure 5), wherein a defect input is

received by the computer to indicate a defect in one or more of the body portions (see Busch, Figure 6), and wherein the computer generates defect data representing which body portion has the defect (see Busch, Figure 11); and a computer to receive the defect data from the device to facilitate analyzing the defect data (see Busch, column 5 line 60 – column 6 line 3), but does not teach that the computer is portable.

Lawrence teaches a portable computer (see Lawrence, column 4 lines 6-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch to include the teachings of Lawrence; because, using a portable computer would have allowed the skilled artisan to gather and process data regardless of the location (see Lawrence, column 4 lines 15-19).

3. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busch et al. (U.S. Patent No. 6,052,631) (hereinafter Busch) in view of Lawrence et al. (U.S. Patent No. 6,505,106) (hereinafter Lawrence) and further in view of Collins (U.S. Patent 6,826,497).

Referring to claim 6, Busch and Lawrence teach all the features of the claimed invention except that the defect description is an in-process paint layer description, wherein the in-process paint layer description indicates a paint layer in which the defect occurred.

Collins teaches that the defect description is an in-process paint layer description, wherein the in-process paint layer description indicates a paint layer in which the defect occurred (see Collins, column 3 lines 6-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch and Lawrence to include the teachings of Collins because detecting paint defects would have allowed the skilled artisan to monitor the quality of a paint job for a vehicle (see Collins, column 2 line 66 – column 3 line 4).

Referring to claim 9, Busch and Lawrence teach all the features of the claimed invention except that the graphical user interface is programmed to display multiple body portions comprising a vehicle body, and wherein the touch screen includes individual touch portions corresponding with each of the multiple body portions such that the clicking on the touch screen indicates the body portion corresponding with the defect.

Collins teaches that the graphical user interface is programmed to display multiple body portions comprising a vehicle body, and wherein the touch screen includes individual touch portions corresponding with each of the multiple body portions such that the clicking on the touch screen indicates the body portion corresponding with the defect (see Collins, column 3 lines 17-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch and Lawrence to include the teachings of Collins because having a touch screen would have allowed the skilled artisan to track production quantity and quality without requiring manual tracking procedures and allowing this data to be easily accessible (see Collins, column 1 lines 44-48).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Busch et al. (U.S. Patent No. 6,052,631) (hereinafter Busch) in view of Lawrence et al. (U.S. Patent No. 6,505,106) (hereinafter Lawrence) and further in view of Hulsebosch (U.S. Patent No. 6,049,453).

Referring to claim 10, Busch and Lawrence teach all the features of the claimed invention except that the computer is programmed to store a number of defect signals, and wherein the computer is further programmed to transfer the stored defect signals to a computer during a docking with the computer.

Hulsebosch teaches that the computer is programmed to store a number of defect signals, and wherein the computer is further programmed to transfer the stored defect signals to a computer during a docking with the computer (see Hulsebosch, Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch and Lawrence to include the teachings of Hulsebosch because transferring data during docking would have allowed the skilled artisan to provide a convenient method of synchronizing the data collected on the PDA with the data stored in the computer.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Busch et al. (U.S. Patent No. 6,052,631) (hereinafter Busch) in view of Lawrence et al. (U.S. Patent No. 6,505,106) (hereinafter Lawrence) and further in view of Joao (U.S. Patent No. 6,725,201).



Referring to claim 11, Busch and Lawrence teach all the features of the claimed invention except that the computer further comprises a sound receiver to receive a voice command from the inspector and wherein the computer is programmed to receive the voice command as the defect input.

Joao teaches that the computer further comprises a sound receiver to receive a voice command from the inspector and wherein the computer is programmed to receive the voice command as the defect input (see Joao, column 6 lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Busch and Lawrence to include the teachings of Joao because receiving data via voice command would have allowed the skilled artisan to provide the inspector with a more efficient method of inputting the inspection data onto the PDA.

#### ***Allowable Subject Matter***

6. Claims 7, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Barich et al. teach a method and database arrangement for inspection and requalification of vehicles used for transporting commodities and/or hazardous materials.

(b) Skorupski et al. teach a computer assisted driver vehicle inspection reporting system.

(c) Matthews et al. teach a paint defect automated seek and repair assembly and method.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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21 January 2005

  
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